



**RIO GRANDE COUNTY
ADMINISTRATIVE POLICIES AND PROCEDURES**

TITLE	APPROVAL DATE
Open Records Policy	4/28/2021
POLICY CUSTODIAN	REVISION DATE(S)
County Administrator	
DEPARTMENT(S) AFFECTED:	All

POLICY REGARDING ACCESS TO PUBLIC RECORDS

Authority: Adopted by the Board of County Commissioners pursuant to C.R.S. 24-72-203(1)(a)

Scope: All records within Rio Grande County, except that this policy shall not apply to criminal justice records (as defined in C.R.S. 24-72-302).

Purpose: The purpose of this policy is to assure prompt and equitable service to citizens requesting access to public records, regardless of the format of those records, in accordance with the requirements of C.R.S. 24-72-201 et. seq. This policy does not apply to criminal justice records, as defined in C.R.S. 24-72-302.

Background: C.R.S. 24-72-202(6)(a) defines public record as "all writings made, maintained, or kept... by any local government-financed entity for use in the exercise of functions required or authorized by law or administrative rule or involving the receipt or expenditure of public funds." The definition of public records also includes the correspondence of elected officials, except to the extent that such correspondence is: 1) a work product, 2) without a demonstrable connection to the exercise of functions required by law or administrative rule, 3) a communication from a constituent to an elected official that clearly implies by its content that the constituent expects that it is confidential in nature or subject to nondisclosure or 4) pursuant to procedures in C.R.S. 24-72-204(1) the material requested is not to be disclosed. Additionally, C.R.S. 24-72-202(7) defines writings to include "all books, papers, maps, photographs, cards, tapes, recordings, or other documentary materials, regardless of physical form or characteristics. Writings include digitally stored data, including without limitation electronic mail messages, but do not include computer software."

C.R.S. 24-72-203(1)(a) allows the official custodian of public records to make reasonable rules and regulations with reference to the copying and inspection of public records as necessary to protect the records and prevent unnecessary interference with the regular duties of the custodian.

Policy: It shall be the policy of Rio Grande County to make all records available for public inspection unless such records are protected from disclosure by state or federal law, by court order, or unless disclosure of such records would be contrary to the public interest.

All requests made under the Open Records Act shall be made in writing to the County Clerk, who serves as the point of contact for open records requests. The Clerk may designate other staff to respond to requests, depending on the department in which the record is maintained. In the case of a request made in person, the Clerk shall either provide the records to the requestor if the records are immediately available or shall provide a response in writing within three (3) working days letting the requestor know the date, time, and location where the records can be inspected, along with an estimate of the fees. In the case of a request received by U.S. Postal mail, e-mail, or fax, the custodian shall respond within three (3) working days of receipt of the request. Such period may be extended if extenuating circumstances exist (per C.R.S. 24-72-203(3)(b)), but the extension period shall not exceed seven (7) additional working days. If a deposit is required, the request is not considered received until the deposit is paid.

Open Records requests are to be in writing. The requestor may use the form provided by the Clerk, or submit the request without the form, but including the equivalent information.

If a record contains both public and confidential material, the County will make a reasonable effort to redact confidential material in order to comply with a request for the record. The County may agree to provide redacted records if the requestor pays the redaction fee as estimated and/or actual cost, whichever is lower.

Requests for routine copies of non-restricted, readily available documents (e.g., minutes, agendas, ordinances, resolutions, etc.) Shall not be considered an open records request and shall not be required to be submitted in writing. However, applicable fees will still apply.

Electronic records and electronic communications: Records stored in electronic (non-paper) media are considered public records and open to disclosure. After receiving a written request for records stored in an electronic format, the custodian will notify the requestor of the most effective means of making these records available. This may include providing portable electronic media (such as disks or drives), sharing documents via a cloud application, referring the requestor to the County's web site or other public access device, providing hard copy printouts, or providing the requested records in any other format deemed appropriate by the custodian. Data manipulation fees may apply.

If the records are stored in an electronic format which is "searchable and sortable", the record may be available in that native format as described in CRS 24-72-203(3.5)(a) unless that format does not accommodate redaction of confidential records as described in CRS 24-72-203(3.5)(b).

Please note that open records requests may be a public record under the public records law and may be subject to public inspection under C.R.S. 24-72-203.

Fees and charges: Fees apply to all record requests, including paper and electronic records. Requests must be accompanied by a non-refundable deposit equal to the estimated amount. This deposit will be credited toward the total fee, and the total fee shall be paid prior to release of

the requested records. In the event the deposit amount exceeds the actual costs, the balance shall be refunded within 30 days.

The open records request shall be considered received only when the deposit has been paid. CRS 24-72-205(1)(b)

Each standard page (8 ½" x 11") will be charged at 25 cents per page. Non-standard sizes or color products (if available) will be charged at the actual cost of production. In addition, the requestor must pay any research and retrieval fee associated with producing the record in accordance with the schedule below, and within the restriction of state law. The custodian will also charge a fee for any manipulation of data needed to generate a record in a form or format that does not already exist. This includes redaction if needed. This also includes converting a proprietary file format into a standard format. This fee shall not exceed the actual cost of manipulating said data and generating the record. Persons making a subsequent request for the same record shall be charged the same fee.

The custodian may charge a fee for providing copies of electronically stored public records, except as limited under state law. The County will respond to requests for access to public records stored electronically and in computer software by providing, upon written request, a copy of the file on portable electronic media, reports from within specific software, a link to a cloud sharing location, or a hard copy printout. The records may be provided to the requestor electronically if practical. The fee will be based on research and recovery of the actual costs of providing the electronic services and products.

Data kept by the County but generated by a third party shall be charged at actual cost paid to the third party, subject to additional fees below if applicable.

Fees and charges for reproduction of records shall be standard throughout the County for similar items. The County has the authority to waive such fees and charges when it is deemed in the best interest of the County to do so.

**RIO GRANDE COUNTY PUBLIC RECORDS
STANDARD FEES AND CHARGES**

Photocopies or printouts	8 ½" x 11" black/white, \$0.25 per page Other sizes and color may be charged at actual cost.
FAX documents	\$0.25 per page
Document certification	\$5.00 per document (in addition to the per page copy charge)
Portable media	Actual cost of media plus research/retrieval time. NOTE: The County does not have the technology available to provide excerpts of audio or video files. These may require transcription services by third party.
Publications produced by the County	Price varies, will be established based on actual production cost.

Research, Retrieval and Data Manipulation Fees

There is no charge for the first hour. \$30.00/hr. beginning with the second hour

The County does not charge for:

1. Requests from members of the Board of County Commissioners, Elected Officials, and Department Heads or any of its appointed advisory boards when the information requested is for the purpose of County business.
2. Requests from other federal, state, or local government entities or governmental professional associations.

Denial of inspection: Access to records may be denied in accordance with the provisions of federal or state law. Reasons for denial of access to records will be noted in writing on the public records request form and provided to the requestor.

Retention schedules: All public records, regardless of storage format, will be administered in accordance with approved retention schedules.